



Supplementary Benefits Act 1976

1976 CHAPTER 71

PART III

ADMINISTRATION, GENERAL AND SUPPLEMENTAL

Administration

27 General duty, constitution etc. of Supplementary Benefits Commission

- (1) The Commission shall exercise the functions conferred on them by this Act in such manner as shall best promote the welfare of persons affected by the exercise of those functions.
- (2) Schedule 3 to this Act shall have effect with respect to the constitution and proceedings of the Commission.
- (3) The Secretary of State shall make arrangements for securing that such of his officers and servants as may from time to time be required for the exercise of the Commission's functions are available to act as officers and servants of the Commission, and may make arrangements with any other Government department or with a local authority for the discharge of those functions by officers and servants of the department or authority.
- (4) Any expenses incurred by the Commission with the approval of the Secretary of State shall be deemed to be expenses incurred by the Secretary of State.

28 The Appeal Tribunal

The Appeal Tribunal for the purposes of this Act shall be such of the tribunals constituted in accordance with Schedule 4 to this Act as, under that Schedule, has jurisdiction in the case in question.

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29 Inspectors

- (1) Every appointment of an inspector under section 144 of the Social Security Act 1975 shall be an appointment also for the purposes of this Act.
- (2) In section 144(2) to (5) and section 145 of the Social Security Act 1975 (powers of inspectors) references to that Act include this Act; and in section 145(1)(b) the reference to benefit includes supplementary benefit.

30 Re-establishment centres and reception centres

- (1) The Commission shall, on behalf of the Secretary of State and in accordance with any directions given by him, exercise the functions set out in Schedule 5 to this Act relating to re-establishment centres and reception centres.
- (2) If in exercise of their functions under Schedule 5 to this Act the Commission so require, payment at such rates as the Commission may determine shall be made by persons for whom temporary board and lodging are provided in a centre maintained under that Schedule.
- (3) The Secretary of State may, by regulations made under this subsection, make provision for the management of, and the preservation of order in, centres maintained under that Schedule.
- (4) Regulations made under subsection (3) above may—
 - (a) include provisions requiring persons accommodated or received in such centres, or specified classes of such persons, to do such work for assisting in the running of the centres as may be specified by or under the regulations; and
 - (b) provide that any person who contravenes, or fails to comply with, any specified provision of the regulations shall be liable on summary conviction to a fine not exceeding £10, or to imprisonment for a term not exceeding one month.

General and supplemental

31 Reciprocal arrangements with Northern Ireland

- (1) The Secretary of State may, with the consent of the Treasury, make reciprocal arrangements with the appropriate Northern Irish authority for co-ordinating the operation of the two schemes for the payment of supplementary benefits in respect of persons whose resources are insufficient to meet their requirements, being the schemes established respectively under this Act and under the Supplementary Benefits Acts (Northern Ireland) 1966 to 1975 and any Measure for similar purposes passed by the Northern Ireland Assembly.
- (2) Any such arrangements may include provision for the modification or adaptation of the respective schemes in relation to, or in connection with, persons affected by the arrangements.
- (3) The Secretary of State may, by regulations made under this section, provide for such modification or adaptation of the provisions of this Act as may appear to him to be required for giving effect to the arrangements, or in consequence of the arrangements, and for any necessary financial adjustments.

- (4) The power under subsection (3) above to provide by regulations for the modification or adaptation of the provisions of this Act and for necessary financial adjustments shall be exercisable in relation to any enactment passed after this Act which is directed to be construed as one with this Act; but this subsection applies only so far as a contrary intention does not appear in that enactment and is without prejudice to the generality of any such direction.
- (5) In this section " the appropriate Northern Irish authority " means such authority as may be specified for the purposes of this section in any legislation passed by the Parliament of Northern Ireland or in any Measure of the Northern Ireland Assembly.

32 Reciprocity with other countries

- (1) For the purpose of giving effect to any agreement with the government of a country outside the United Kingdom providing for reciprocity in matters relating to payments for purposes similar or comparable to those of this Act, Her Majesty may by Order in Council provide for modifying or adapting this Act in its application to cases affected by the agreement.
- (2) The modifications of this Act which may be made by virtue of subsection (1) above include provision—
 - (a) for securing that acts, omissions and events having any effect for the purposes of the law of the country in respect of which the agreement is made have a corresponding effect for the purposes of this Act (but not so as to confer a right to double benefit);
 - (b) for determining, in cases where rights accrue both under this Act and under the law of that country, which of those rights is to be available to the person concerned ;
 - (c) for making any financial adjustments.
- (3) In relation to the power to make Orders in Council which is conferred by this section, and to Orders made in the exercise of the power, section 166(2) to (4) and (7) and section 168(4) of the Social Security Act 1975 (additional matters which may be dealt with by Order in Council; power to revoke and vary etc.) apply as they do for the purposes of that Act.

33 Rules and regulations

- (1) Powers conferred by this Act to make rules or regulations are exercisable by statutory instrument.
- (2) Regulations made by virtue of section 2(3) of this Act (variation of Part II of Schedule 1) shall have no effect unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.
- (3) Any statutory instrument containing other regulations or any rules made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

34 Interpretation

- (1) In this Act—

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" the Appeal Tribunal " means the tribunal which has jurisdiction in accordance with section 28 of this Act;

" blind " means so blind as to be unable to perform any work for which eyesight is essential;

" child " means a person under the age of 16 ;

" the Commission " means the Supplementary Benefits Commission;

" enactment " includes an enactment of the Parliament of Northern Ireland and a provision of a Measure of the Northern Ireland Assembly;

" pensionable age " means, in the case of a man, the age of 65, and, in the case of a woman, the age of 60;

" place of employment " has the same meaning as in section 19 of the Social Security Act 1975 ;

" school " has the same meaning as in the Education Act 1944 or, in Scotland, the Education (Scotland) Act 1962;

" supplementary benefit " means any benefit under this Act, and includes, except where the context otherwise requires, any payments under section 10(4)(b) of this Act (payments where a person is maintained in a centre); and " supplementary pension " and " supplementary allowance " are the supplementary benefits specified in section 1(1)(a) and (b) respectively of this Act;

" trade dispute " has the same meaning as in section 19 of the Social Security Act 1975 ;

" voluntary organisation " means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit.

- (2) Except where the context otherwise requires, any reference in this Act to any enactment is a reference to that enactment as amended or extended by or under any other enactment, including this Act.

35 Transitional provisions, savings, amendments and repeals

- (1) The transitional provisions and savings in Schedule 6 to this Act shall have effect.
- (2) The enactments mentioned in Schedule 7 to this Act shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Act.
- (3) Subject to the provisions of Schedule 6 to this Act and in accordance with section 36(3) of this Act, the enactments specified in Schedule 8 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (4) The inclusion in this Act of any express transitional provision, saving or amendment shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (effect of repeals).

36 Short title, extent and commencement

- (1) This Act may be cited as the Supplementary Benefits Act 1976.
- (2) The following provisions only of this Act shall extend to Northern Ireland—
 Sections 27 (including Schedule 3), 34(1) (definitions of " the Commission " and " enactment"), 34(2), 35 and this section, in Schedule 6, paragraphs 1 and 5, in

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Schedule 7, paragraphs 7 to 13 and Schedule 8 so far as it specifies any enactment extending to Northern Ireland other than section 6 of, and Schedule 4 to, the National Insurance and Supplementary Benefit Act 1973 and any enactment in the Social Security Benefits Act 1975.

- (3) This Act shall come into force on 15th November 1976, but the repeal of any enactment specified in Part II of Schedule 8 to this Act which has not come into force before that date shall not take effect until immediately after that enactment comes into force.